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EXAMINER

KAL TNOVSEK, A

| ART UNIT | PAPER NUMBER |
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2761

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**Application No.  
**08/879,070**

Applicant(s)

**Johnson et al**

Examiner

**Alexander Kalinowski**

Group Art Unit

**2761** Responsive to communication(s) filed on **May 14, 1999** This action is **FINAL**. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims** Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

 Claim(s) \_\_\_\_\_ is/are allowed. Claim(s) 1-10 is/are rejected. Claim(s) \_\_\_\_\_ is/are objected to. Claims \_\_\_\_\_ are subject to restriction or election requirement.**Application Papers** See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner. The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved. The specification is objected to by the Examiner. The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119** Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). All  Some\*  None of the CERTIFIED copies of the priority documents have been received. received in Application No. (Series Code/Serial Number) \_\_\_\_\_. received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

 Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)** Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_ Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152**-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --**

Art Unit: 2761

### **DETAILED ACTION**

1. Claims 1-10 are presented for examination. Claims 1-10 were originally filed on 6/19/97. On 5/20/99, Applicants filed a request for reconsideration of the grounds of rejection established in the prior office action (Paper No. 6). In light of Applicants' arguments, the grounds of rejection based on 35 USC 112(1) are withdrawn. In light of Applicants' Declaration under 35 USC 1.131, the grounds of rejection based on 35 USC 103 are withdrawn. New grounds of rejection of claims 1-10 are established in the instant office action as set forth in detail below.

#### *Response to Amendment*

2. The declaration filed on 5/20/99 under 37 CFR 1.131 is sufficient to overcome the Gupta and Winning technologies references.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin Pat. No. 4,992,940, (hereinafter Dworkin) in view of "Sales-force automation comes of

Art Unit: 2761

age.(includes related articles on how Hewlett-Packard Co. Computer Systems Group implemented technology-enabled selling applications)(hereinafter SFA).

a. With respect to claim 1, Dworkin discloses

A computer system implemented method for facilitating a sale of a product from an inventory of a selling entity, the computer system including a memory arrangement and at least one processing unit coupled to the memory arrangement; column 3, lines 48 through 64; the method comprising the steps of:

storing in the memory arrangement product inventory information related to the inventory of the selling entity; column 3, lines 60 through 66 and column 7, lines 54 through 61; obtaining information regarding a customer's needs related to the selling entity products; column 5, lines 43 through 68; and

identifying from the inventory of the selling entity, using the stored inventory information, one or more products which most closely correspond to the configured product; column 6, lines 11 through 15.

Dworkin does not explicitly disclose

storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity; and

interactively selecting product options to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options.

Art Unit: 2761

However, SFA discloses an automated system (i.e. GM PROSPEC) to configure products to suit buyers' needs( see abstract and page 1). SFA discloses storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity (i.e. online marketing encyclopedia) (page 3, lines 4-6 and lines 18-23). Furthermore, SFA discloses presenting product options to a user of the computer system for selection by the user to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options (i.e. product configurator) (page 3, lines 7-11 and lines 24-29). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity and presenting product options to a user of the computer system for selection by the user to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options as disclosed by SFA within the system disclosed by Dworkin in order to permit salespeople to configure products to suit the buyers' needs in an efficient manner and maximize the salesperson's time with the customer thereby increasing profitability (abstract and page 1, line 43 - page 2, line 4).

b. With respect to claim 2, Dworkin does not explicitly disclose

Art Unit: 2761

a method as recited in claim 1, further comprising ranking the selected product options according to a value of the product options to the customer and, using the ranking to identify products in inventory corresponding to the configured product.

However, Dworkin does reveal accepting desired specifications from a user in a variety of ways, not all of which are disclosed in the patent. Column 5, lines 55 through 68. It was well known in the art at the time to rank the relative importance of options or attributes to customers. It would have been obvious to one of ordinary skill in the art at the time to allow the user of a combined Dworkin/SFA system, as discussed above in connection with claim 1, to rank the relative importance of various options of a custom configured system to him and to identify products meeting the highest ranked requirements.

c. With respect to claim 8, Dworkin discloses

a computer system implemented method for facilitating a sale of a product from an inventory of a selling entity, the computer system including a memory arrangement and at least one processing unit coupled to the memory arrangement; column 3, lines 48 through 64; the method comprising the steps of:

storing in the memory arrangement product inventory information related to the inventory of the selling entity; column 3, lines 60 through 66 and column 7, lines 54 through 61; and obtaining information regarding a customer's needs related to the selling entity products; column 5, lines 43 through 68.

Art Unit: 2761

Dworkin does not explicitly disclose

storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity and

interactively selecting product options to define a sellable product which satisfies the customer's needs using the stored configuration rules and the stored product inventory information to constrain selection of the product options to product options available in the inventory of the selling entity.

However, SFA discloses an automated system (i.e. GM PROSPEC) to configure products to suit buyers' needs( see abstract and page 1). SFA discloses storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity (i.e. online marketing encyclopedia) (page 3, lines 4-6 and lines 18-23). Furthermore, SFA discloses interactively selecting product options to define a sellable product which satisfies the customer's needs using the stored configuration rules and the stored product inventory information to constrain selection of the product options to product options available in the inventory of the selling entity (page 3, lines 7-11 and lines 18-29). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity and presenting product options to a user of the computer system for selection by the user to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options as disclosed by SFA within

Art Unit: 2761

the system disclosed by Dworkin in order to permit salespeople to configure products to suit the buyers' needs in an efficient manner and maximize the salesperson's time with the customer thereby increasing profitability (abstract and page 1, line 43 - page 2, line 4).

d. With respect to claim 9, Dworkin discloses

a computer system implemented method for facilitating a sale of a product from an inventory of a selling entity, the computer system including a memory arrangement and at least one processing unit coupled to the memory arrangement; column 3, lines 48 through 64; the method comprising the steps of:

storing in the memory arrangement product inventory information related to the inventory of the selling entity; column 3, lines 60 through 66 and column 7, lines 54 through 61;

obtaining information regarding a customer's needs related to the selling entity products; column 5, lines 43 through 68; and

providing an indication to the user of the computer system, based on the stored inventory information, of whether selection of the a particular presented product option, if incorporated into the configured product, would preclude obtaining the product from the inventory of the selling entity; column 6, lines 11 through 15.

Dworkin does not explicitly disclose

storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity; and

Art Unit: 2761

presenting product options to a user of the computer system for selection by the user to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options.

However, SFA discloses an automated system (i.e. GM PROSPEC) to configure products to suit buyers' needs( see abstract and page 1). SFA discloses storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity (i.e. online marketing encyclopedia) (page 3, lines 4-6 and lines 18-23). Furthermore, SFA discloses presenting product options to a user of the computer system for selection by the user to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options (i.e. product configurator) (page 3, lines 7-11 and lines 24-29). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity and presenting product options to a user of the computer system for selection by the user to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options as disclosed by SFA within the system disclosed by Dworkin in order to permit salespeople to configure products to suit the buyers' needs in an efficient manner and maximize the salesperson's time with the customer thereby increasing profitability (abstract and page 1, line 43 - page 2, line 4).

Art Unit: 2761

e. With respect to claim 10, Dworkin discloses

a computer system implemented method for facilitating a sale of a product from an inventory of a selling entity, the computer system including a memory arrangement and at least one processing unit coupled to the memory arrangement; column 3, lines 48 through 64; the method comprising the steps of:

storing in the memory arrangement product inventory information related to the inventory of the selling entity; column 3, lines 60 through 66 and column 7, lines 54 through 61.

Dworkin does not explicitly disclose

storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity; column 5, lines 52 through 62.

However, SFA discloses storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity (i.e. online marketing encyclopedia) (page 3, lines 4-6 and lines 18-23). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity as disclosed by SFA within the system disclosed by Dworkin in order to permit salespeople to configure products to suit the buyers' needs in an efficient manner and maximize the salesperson's time with the customer thereby increasing profitability (abstract and page 1, line 43 - page 2, line 4).

Neither Dworkin nor SFA explicitly discloses

Art Unit: 2761

obtaining information regarding a customer's intended uses of a product to be purchased; assigning a corresponding value to each of the customer's uses depending on an importance of the use to the customer; and identifying, using the stored inventory information and the obtained information regarding the customer's intended uses and corresponding value, one or more products which are in the inventory of the selling entity and which most closely satisfy the customer's intended use of the product.

However, Dworkin discloses obtaining information regarding a customer's need in terms of minimum specifications of a product, column 5, lines 43 through 68. It was well known in the art at the time to gather minimum specifications by asking questions regarding intended use, in lieu of asking questions regarding technical specifications, particularly in the case of a less sophisticated customer (e.g., asking the customer whether a printer was to be used as a high capacity printer for business purposes or as a low capacity printer for home purposes in lieu of asking whether a laser or ink jet printer was desired).

It was well known in the art at the time to assign a value to each factor or feature of a configuration depending on the importance of the factor or feature to the customer. It would have been obvious to one of ordinary skill in the art at the time to assign such a value to each intended use when soliciting requirements in the form of intended uses so as to be able to determine the most important requirements of the customer.

Art Unit: 2761

Dworkin discloses using a set of specifications to identify products available in inventory. Column 6, lines 11 through 15. Once the most important specifications or features had been identified as described in the preceding paragraphs, it would have been obvious to one of ordinary skill in the art at the time to use those specifications to identify products available in inventory because otherwise gathering the specifications would have been pointless. It would further have been obvious to one of ordinary skill in the art at the time to rank the identified products based on the degree to which each corresponded to the customer's highest ranked intended uses of the product because doing so would allow a less technically sophisticated customer to select the most useful product without understanding the relative importance of all of the product configuration options.

5. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin and SFA as applied to claim 1 above, and further in view of Lynch et al, Pat. No. 5,708,798 (hereinafter Lynch).

a. With respect to claim 3, Dworkin and SFA do not explicitly disclose a method as recited in claim 1, wherein the stored configuration information comprises a plurality of configuration rules which define relationships between two or more product options. However, Lynch discloses a computer based system that configures computer systems (see abstract). Lynch discloses configuring the system based on constraint rules that identify

Art Unit: 2761

relationships between product options (col. 10, lines 11-27). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a method as recited in claim 1, wherein the stored configuration information comprises a plurality of configuration rules which define relationships between two or more product options within the Dworkin/SFA combination in order ease the burden of configuring complex customized systems (col. 1, lines 25-28).

b. With respect to claim 4, Dworkin and SFA do not explicitly disclose a method as recited in claim 3, wherein the configuration rules comprises a plurality of logic rules.

However, Lynch discloses a method as recited in claim 3, wherein the configuration rules comprises a plurality of logic rules (col. 10, lines 11-27). Combining Dworkin/SFA with Lynch would yield a product that would allow customers both to construct custom products, as in SFA and Lynch, and to search for products matching or almost matching their specifications, with a view to finding an attractive price on a product available in inventory, as in Dworkin. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a method as recited in claim 3, wherein the configuration rules comprises a plurality of logic rules within the Dworkin/SFA combination in order ease the burden of configuring complex customized systems (col. 1, lines 25-28).

c. With respect to claim 5, Dworkin and SFA do not explicitly disclose

Art Unit: 2761

A method as recited in claim 3, wherein the configuration rules comprise constraint rules which define engineering relationships between product options.

However, Lynch discloses a method as recited in claim 3, wherein the configuration rules comprise constraint rules which define engineering relationships between product options (col. 10, lines 11-27). Combining Dworkin/SFA with Lynch would yield a product that would allow customers both to construct custom products, as in SFA and Lynch, and to search for products matching or almost matching their specifications, with a view to finding an attractive price on a product available in inventory, as in Dworkin. It would have been obvious to one of ordinary skill a method as recited in claim 3, wherein the configuration rules comprise constraint rules which define engineering relationships between product options in the art at the time of Applicant's invention to include within the Dworkin/SFA combination in order ease the burden of configuring complex customized systems (col. 1, lines 25-28).

d. With respect to claim 6, Dworkin and SFA do not explicitly disclose a method as recited in claim 3, wherein the configuration rules comprise resource rules which define relationships between product options in terms of resources used and resources required.

However, Lynch discloses a method as recited in claim 3, wherein the configuration rules comprise resource rules which define relationships between product options in terms of resources used and resources required (col. 10, lines 11-27). Combining Dworkin/SFA with Lynch would

Art Unit: 2761

yield a product that would allow customers both to construct custom products, as in SFA and Lynch, and to search for products matching or almost matching their specifications, with a view to finding an attractive price on a product available in inventory, as in Dworkin. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a method as recited in claim 3, wherein the configuration rules comprise resource rules which define relationships between product options in terms of resources used and resources required within the Dworkin/SFA combination in order ease the burden of configuring complex customized systems (col. 1, lines 25-28).

e. With respect to claim 7, Dworkin and SFA do not explicitly disclose a method as recited in claim 3, wherein the configuration rules comprise cross-reference rules which define relationships between similar product options .

However, Lynch discloses a method as recited in claim 3, wherein the configuration rules comprise cross-reference rules which define relationships between similar product options (col. 10, lines 11-27 and col. 13, lines 33-57).Combining Dworkin/SFA with Lynch would yield a product that would allow customers both to construct custom products, as in SFA and Lynch, and to search for products matching or almost matching their specifications, with a view to finding an attractive price on a product available in inventory, as in Dworkin. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a method as recited in claim 3, wherein the configuration rules comprise cross-reference rules which define

Art Unit: 2761

relationships between similar product options within the Dworkin/SFA combination in order ease the burden of configuring complex customized systems (col. 1, lines 25-28).

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "IBM's AS/400 division and CWC release new, interactive sales system" discloses an automated sales system including a sales configurator.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 8:30 AM to 6:00 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Emanuel Todd Voeltz, can be reached on (703) 305-9714. The fax telephone number for this group is (703) 305-0040.

Alexander Kalinowski *AK*

7/31/99

*Emanuel Todd Voeltz*  
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GROUP 2700